

State of Alaska FY2003 Governor's Operating Budget

Department of Law Human Services Section Component Budget Summary

Component: Human Services Section

Contact: Lisa Nelson, Assistant Attorney General

Tel: (907) 269-5100 **Fax:** (907) 258- **E-mail:** lisa_nelson@law.state.ak.us

Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

Provide legal assistance on issues arising from the state's education, health services, social services, juvenile justice, and welfare programs. Advise these agencies regarding changes in federal law and steps necessary at the state level to remain in compliance with federal funding requirements.

Initiate legal action to remove children from abusive or neglectful homes, assist DFYS to implement a plan to safely return children home or to act to terminate parental rights to allow permanent placement in adoptive homes of children in state custody, prosecute juvenile delinquency cases, prosecute foster care licensing revocations, establish senior guardianships, prosecute mental commitments, represent the state in Medicaid recipient/provider hearings and appeals, and handle Alaska Supreme Court and Court of Appeals appellate work for all of the above types of cases.

Component Goals and Strategies

Provide legal advice and representation to the Departments of Education and Early Development, Labor and Workforce Development, and Health and Social Services.

Protect the public by providing legal services and advice to these agencies regarding labor, education, child protection, juvenile delinquency, licensing, Medicaid funding matters, and health issues.

Protect the state's financial resources by advising agencies on decisions that might lead to financial claims, defending against unreasonable claims, and facilitating reasonable settlements or other appropriate resolution to issues.

Assist DFYS in initiating actions to remove children from abusive or neglectful homes, actions to reunify children with their parents if can be safely done, and the termination of parental rights when determined to be in the best interests of a child.

Prosecute juvenile delinquency cases. Institutionalize offenders if necessary to protect the public or support a lesser restrictive alternative if appropriate under the circumstances. Contact victims of crimes, encouraging their participation in the prosecution process, and provide support and information to them throughout the process.

Provide representation in cases involving denial or removal of childcare or adult foster care licenses.

Prosecute mental commitments.

Represent the Division of Medical Assistance in Medicaid provider and recipient hearings and appeals.

Advise on and represent the state in matters related to providing quality educational services throughout the state.

Protect the confidential personal information retained by the state in the context of administering state programs from improper or unnecessary disclosure.

Provide legal defense in appeals of administrative hearing decisions.

Fully litigate actions all the way to the Alaska Supreme Court or Court of Appeals, if necessary.

Advise the State Medical Examiner's Office.

Advise state public health officials regarding the Department of Health and Social Services' legal authorities to act to protect the public health.

Key Component Issues for FY2002 – 2003

Child protection workloads continue to be of concern to the department. Statutory changes at the state and federal level have necessitated changes in how long children may remain in the child protection legal system, and when certain actions must occur, and they define parental responsibility more concretely. These changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The accelerated schedules severely impact attorney workloads. Maintenance of our existing resources for child protection is necessary in order for us to effectively manage this important responsibility. In FY 2002, for example, we had to cut half of an attorney position in the Human Services component due to a reduction in the Balloon Project funding received by DHSS. This cut has had a direct impact on the Anchorage Human Services section, resulting in an increase in the average per attorney child abuse and neglect caseload. Another key issue for this component is the need for paraprofessional support to assist our Fairbanks Human Services section.

Major Component Accomplishments in 2001

- Participated in an interagency effort (Balloon Project) to reduce backlog of children in foster care longer than state and federal laws permit. As of September 15, 2001, 89 percent of the 662 children in foster care the longest were in a permanent placement, and in another eight percent of the cases, the legal work to free these children for adoption is complete. As these oldest cases have been successfully resolved, the next oldest group of cases has been added. The project now has five phases including more than 1,600 children, of whom 72 percent now have permanent homes, and another 14 percent are legally free for adoption. (See performance measure at the department level.)
- Continued to revise DFYS forms and institute new practices to comply with the new law passed in 1998 and subsequent amendments to the children's code.
- Participated in an interagency effort (the SNAP Project – "Simple New Adoption Process") to develop ways to streamline the adoption process once adoption is determined to be the permanent plan for a child.
- Engaged in several hotly-contested foster care licensing revocation actions.
- Achieved several major victories in the Alaska Supreme Court on issues that significantly affect our day-to-day practice.
- Provided monthly training sessions at the social worker academy on the child protection legal system.
- Prosecuted scores of juvenile delinquents, obtaining numerous felony and misdemeanor adjudications. Several of these cases involved high-profile crimes with significant media attention including a case involving multiple home burglaries committed by group of 17 youths.
- Provided on-going advice and representation to the Department of Education and Early Development in matters requiring legislation, regulations, and legal defense.
- Advised the Department of Health and Social Services on matters related to compliance with federal law affecting confidential patient records, and legal matters regarding the reporting and control of diseases of public health significance.

Statutory and Regulatory Authority

AS 44.23.020

Human Services Section

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	3,661.5	3,330.7	3,686.6
72000 Travel	38.4	61.2	61.8
73000 Contractual	496.3	444.0	476.3
74000 Supplies	53.2	61.1	71.4
75000 Equipment	47.1	0.0	6.5
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	4,296.5	3,897.0	4,302.6
Funding Sources:			
1004 General Fund Receipts	2,804.8	2,873.5	3,233.3
1007 Inter-Agency Receipts	1,408.5	959.7	1,004.1
1037 General Fund / Mental Health	64.0	63.8	65.2
1053 Investment Loss Trust Fund	13.9	0.0	0.0
1108 Statutory Designated Program Receipts	5.3	0.0	0.0
Funding Totals	4,296.5	3,897.0	4,302.6

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	1.3	0.0	0.0	0.0	0.0
Unrestricted Total		1.3	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	1,408.5	959.7	1,265.1	1,004.1	1,122.1
Statutory Designated Program Receipts	51063	5.3	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	13.9	0.0	0.0	0.0	0.0
Restricted Total		1,427.7	959.7	1,265.1	1,004.1	1,122.1
Total Estimated Revenues		1,429.0	959.7	1,265.1	1,004.1	1,122.1

Human Services Section

Proposed Changes in Levels of Service for FY2003

The department is requesting \$98,700 in general funds for a paraprofessional position to support the Fairbanks Human Services section. The section presently has no paraprofessional support. The heavy caseload of the Human Services attorneys in Fairbanks, the broad geographical coverage of the office (including Barrow), and the fast tempo of the Human Services child protection cases resulting from the statutory timelines created by CH 99 SLA 98, are placing the attorneys under intense pressure. Paraprofessional assistance is a cost-effective way to enable staff attorneys to effectively manage the excessive caseload and short timelines, and keep cases moving through the process expeditiously to avoid children lingering in the child protection system.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	2,937.3	0.0	959.7	3,897.0
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	31.0	0.0	3.2	34.2
-Year 3 Labor Costs - Net Change from FY2002	57.7	0.0	22.4	80.1
Proposed budget increases:				
-Legal Secretary Reclassification	25.5	0.0	18.8	44.3
-Paralegal support for Bethel / Fairbanks	98.7	0.0	0.0	98.7
-Therapeutic Courts - Fully Fund Fiscal Note	148.3	0.0	0.0	148.3
FY2003 Governor	3,298.5	0.0	1,004.1	4,302.6

Human Services Section

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	51	54	Annual Salaries	3,032,145
Part-time	2	3	COLA	92,665
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	908,112
			<i>Less 8.59% Vacancy Factor</i>	(346,322)
			Lump Sum Premium Pay	0
Totals	53	57	Total Personal Services	3,686,600

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	2	0	0	0	2
Attorney III	10	0	3	1	14
Attorney IV	4	3	3	1	11
Attorney V	3	1	2	0	6
Law Office Assistant I	8	2	3	2	15
Law Office Assistant II	1	1	1	0	3
Paralegal Asst II	1	0	0	0	1
Paralegal I	1	0	0	0	1
Paralegal II	2	1	1	0	4
Totals	32	8	13	4	57